

EXHIBIT A

STATE OF INDIANA
IN THE CITY OF WHITLEY

case 1:21-cv-00405-WCL-SLC document 1-1 filed 10/27/21 page 2 of 11 Cler
Whitley County, Indiana:

IN THE WHITLEY SUPERIOR COURT
Civil Division - Courthouse
101 West Van Buren Street
Columbia City, Indiana 46725
Telephone: (260) 449-3491

Case Number: 92D01-2109-CT-000876

ASHLEY N. HINTON
Plaintiff(s)

VS

LEAR CORPORATION
Defendant(s)

TO: C T Corporation System, Registered Agent
Lear Corporation
334 North Senate Avenue
Indianapolis, IN 46204

You have been sued by the person(s) named above. The claim made against you is attached to this summons; please examine all pages carefully. The "X" marked below indicates the time limit you have to FILE YOUR ANSWER.

Certified Mail You or your attorney must file a written answer to the claim within TWENTY-THREE (23) DAYS, commencing the day after you receive this summons, or judgment may be entered against you as claimed.

Personal Service You or your attorney must file a written answer to the claim within TWENTY-THREE (23) DAYS, commencing the day after you receive this summons, or judgment may be entered against you as claimed.

Your answer is considered filed the day it is received in the office of the Clerk of the Whitley Superior Court, Whitley County Courthouse, Columbia City, Indiana, 46725. The method you choose to deliver your answer to the Clerk's Office is up to you; however, you should be able to prove you filed the answer. If you wish to file a claim against another party associated with this case, you must state it in your written answer.

If you are required to appear, the date, time and location will be shown on an attached Notice of Hearing form. IF YOU FAIL TO APPEAR, A JUDGMENT MAY BE ENTERED AGAINST YOU.

9/27/2021

Dated:

Christopher C. Myers (PLAINTIFF)

Attorney / Party Preparing Summons (Party Represented)

Cindy Doolittle

CLERK OF THE WHITLEY CIRCUIT AND SUPERIOR COURTS

(Seal)

809 South Calhoun Street, Suite 400

Street Address

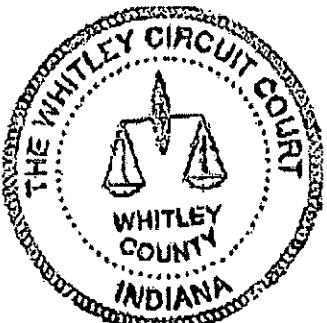
Fort Wayne, IN 46802

City, State, Zip Code

(260) 424-0600

10043-02

Telephone Number Attorney Number



MANNER OF SERVICE

(To be completed by Party Preparing Summons)

SHERIFF shall serve this Summons as follows:

personal service

leaving a copy at dwelling or place of employment

OTHER manner of service:

attorney to serve

private process server,

other (describe in particular and note Trial Rule)

CLERK shall serve this Summons as follows:

regular mail

certified mail

publication

I hereby certify, as indicated in the date issued field, that a copy of this document was sent to the named person(s) at the address(es) furnished, by registered/certified mail at Columbia City, Indiana, return receipt requested.

I hereby certify that service by registered/certified mail at Columbia City, Indiana, was attempted as required by law to the person and address stated on the return receipt attached; and that service was was not made, according to the information contained therein.

Date Issued: _____

Date Issued: _____

Clerk of the Whitley Circuit and Superior Courts _____

Clerk of the Whitley Circuit and Superior Courts _____

ADMISSION OF SERVICE

I received a copy of this Summons on this date _____ and at this location: _____

Signature of Party

Relationship (if not within named person)

RETURN OF SERVICE BY SHERIFF OR OTHER OFFICER

Enter the alphabetical letter in the space provided to indicate the type of service.

I served a copy of this Summons as specified: (_____)

READING / delivering a copy (A) to the within named party;

LEAVING A COPY for the within named party

(B) with the spouse, named:	(E) with a secretary, named:
(C) with a relative, named:	(F) with the attorney, named:
(D) at the residence, located at:	(H) with this person (other-specify):
(E) with the employer, named:	

Specify name of person, work supervisor, place of business, or location where copy was left.

and (if applicable) by sending a copy of this document by first-class mail to the last known address of the within named person as indicated:

Last known address of person named in the document (or Change of Address)

I did not serve a copy of this Summons because: (_____)

(I) The party was NOT FOUND / NO SUCH ADDRESS.	(R) the party was on VACATION.
(J) the document EXPIRED.	(S) the party was NOT FOUND / VACANT.
(K) the party AVOIDED service.	(T) the party was NOT FOUND / MOVED.
(L) the party REFUSED service.	(U) the party was NOT FOUND IN THIS BAILIWICK.
(M) the party was NO LONGER EMPLOYED at the address.	(V) INSUFFICIENT ADDRESS OR INFORMATION WAS GIVEN.
(N) the document was RETURNED by the authority of the Plaintiff.	(W) they are NO LONGER IN BUSINESS.
(O) the party is DECEASED.	(X) several attempts were made / UNABLE TO SERVE.
(P) the party was UNKNOWN AT THAT ADDRESS.	(Y) of the following reason (OTHER-specify):
(Q) the party was on SICK LEAVE / LAY OFF.	

I AFFIRM, UNDER THE PENALTY OF PERJURY, THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

Date Served / Attempted

Time Served / Attempted

Signature of Sheriff of Whitley County, Indiana (or other officer)

(Printed Name of Process Server)

By:

Signature of Process Server

COUNTY OF WHITLEY

Civil Division - Courthouse
 101 West Van Buren Street
 Columbia City, Indiana 46725
 Telephone: (260) 449-3491

ASHLEY N. HINTON

Plaintiff(s)

VS

LEAR CORPORATION

Defendant(s)

Case Number: 92D01-2109-CT-000876

SUMMONS

TO: Lear Corporation
 Attn: Highest Ranking Official
 21557 Telegraph Road
 Southfield, MI 48033

You have been sued by the person(s) named above. The claim made against you is attached to this summons; please examine all pages carefully. The "X" marked below indicates the time limit you have to **FILE YOUR ANSWER**.

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If you are required to appear, the date, time and location will be shown on an attached Notice of Hearing form. **IF YOU FAIL TO APPEAR, A JUDGMENT MAY BE ENTERED AGAINST YOU.**

Dated: 9/27/2021

Christopher C. Myers (PLAINTIFF)

Attorney / Party Preparing Summons (Party Represented)

(Seal)

809 South Calhoun Street, Suite 400

Street Address

Fort Wayne, IN 46802

City, State, Zip Code

(260) 424-0600

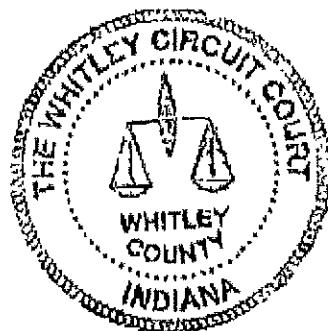
10043-02

Telephone Number

Attorney Number

Christopher Doolittle

CLERK OF THE WHITLEY CIRCUIT AND SUPERIOR COURTS



MANNER OF SERVICE

(To be completed by Party Preparing Summons)

SHERIFF shall serve this Summons as follows:

OTHER manner of service:

 personal service attorney to serve leaving a copy at dwelling or place of employment private process server, other (describe in particular and note Trial Rule)

CLERK shall serve this Summons as follows:

 regular mail certified mail publication

OCT 08 REC'D

08/2000 sum (CLK 298,fb)

I hereby certify, as indicated in the date issued field, that a copy of this document was sent to the named person(s) at the address(es) furnished, by registered/certified mail at Columbia City, Indiana, return receipt requested

I hereby certify that service by registered/certified mail at Columbia City, Indiana, was attempted as required by law to the person and address stated on the return receipt attached, and that service was was not made, according to the information contained therein.

Date Issued: _____

Date Issued: _____

Clerk of the Whitley Circuit and Superior Courts

Clerk of the Whitley Circuit and Superior Courts

ADMISSION OF SERVICE

I received a copy of this Summons on this date _____ and at this location: _____

Signature of Party

Relationship (if not within named person)

RETURN OF SERVICE BY SHERIFF OR OTHER OFFICER

Enter the alphabetical letter in the space provided to indicate the type of service.

I served a copy of this Summons as specified: (_____)

READING / delivering a copy (A) to the within named party;

LEAVING A COPY for the within named party

(B) with the spouse, named:	(E) with a secretary, named:
(C) with a relative, named:	(F) with the attorney, named:
(D) at the residence, located at:	(H) with this person (other-specify): _____
(E) with the employer, named:	

Specify name of person, work supervisor, place of business, or location where copy was left.

and (if applicable) by sending a copy of this document by first-class mail to the last known address of the within named person as indicated:

Last known address of person named in the document (or Change of Address)

I did not serve a copy of this Summons because: (_____)

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(W) they are NO LONGER IN BUSINESS
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(Y) of the following reason (OTHER-specify).

I AFFIRM, UNDER THE PENALTY OF PERJURY, THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

Date Served / Attempted

Time Served / Attempted

Signature of Sheriff of Whitley County, Indiana (or other officer)

(Printed Name of Process Server)

By:

Signature of Process Server

STATE OF INDIANA) IN THE WHITLEY SUPERIOR COURT
) CAUSE NO. 92D01-2109-CT-000876
COUNTY OF WHITLEY)
ASHLEY N. HINTON,)
Plaintiff,)
v.)
LEAR CORPORATION,)
Defendant.)

COMPLAINT

Plaintiff, by counsel, alleges against the Defendant as follows:

1. The Plaintiff is Ashley N. Hinton, she is an African American/Black individual who resides in New Haven, Indiana in Allen County, and who filed a Charge of Discrimination against Lear Corporation, on or about December 23, 2020, Charge No. 470-2021-00898 with the Equal Employment Opportunity Commission ("EEOC"). (See Exhibit A). The EEOC issued a Notice of Right to Sue on or about June 29, 2021 (Exhibit B), and this Complaint has been filed within ninety (90) days after receipt thereof.
2. The Defendant is Lear Corporation which does business within the state of Indiana, including the facility where Plaintiff worked, at 2101 S. 600 E., Columbia City, Indiana 46725. Defendant's corporate headquarters is located at 21557 Telegraph Road, Southfield, Michigan 48033. Defendant's Registered Agent is C T Corporation System whose mailing address is 334 N. Senate Avenue, Indianapolis, Indiana 46204. Lear Corporation is an "employer" for purposes of Title VII of the

Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., (“Title VII”), and Lear is required under 42 U.S.C. § 1981 to treat minorities the same as Caucasians with respect to the terms, conditions, benefits, and privileges of employment and to allow minorities the same contractual benefits of employment as Caucasians pursuant to 42 U.S.C. § 1981.

3. Plaintiff contends that she was discriminated against, harassed, and retaliated against on account of her race and her color (African American/Black) and because she opposed racial harassment and discrimination in the workplace and reported it and was thereafter suspended and then terminated, causing Plaintiff to lose her job and job-related benefits including income. Plaintiff relies upon Exhibit A, Charge of Discrimination No. 470-2021-00898, the allegations of which are incorporated herein as fully set below.
4. Plaintiff contends that she has been discriminated against, harassed, and retaliated against all in violation of her rights under Title VII and 42 U.S.C. § 1981.
5. As a direct and proximate result of the Defendant’s discrimination, harassment, and retaliation, including retaliatory discharge, Plaintiff has suffered a loss of her job and job-related benefits including income. Plaintiff has also suffered emotional distress, mental anguish, humiliation, embarrassment, inconvenience, and other damages and injuries for which Plaintiff seeks compensatory damages.
6. The actions of the Defendant were intentional and in reckless disregard of the Plaintiff’s federally protected civil rights under Title VII and 42 U.S.C. § 1981 warranting an imposition of punitive damages.

WHEREFORE, Plaintiff respectfully requests judgment against the Defendant for back pay, front pay, compensatory damages, punitive damages, reasonable attorney's fees and costs, and for all other just and proper relief available under Title VII and 42 U.S.C. § 1981.

JURY DEMAND

Pursuant to Rule 38 of the Indiana Rules of Trial Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

MYERS ♦ SMITH ♦ WALLACE, LLP

/s/ Christopher C. Myers

Christopher C. Myers, #10043-02
809 South Calhoun Street, Suite 400
Fort Wayne, IN 46802
Telephone: (260) 424-0600
Facsimile: (260) 424-0712
Email: cmyers@myers-law.com
Attorney for Plaintiff

05:52:18 p.m. 12-23-2020

6

DEC/23/2020/WED 07:32 PM

FAX No.

EEOC

Indianapolis District Office

RECEIVED 12/23/20

VI. After the suspension, the Complainant submitted two or more emails to the Respondent, protesting that she was being discriminated against and retaliated against because of her race.

VII. The Complainant was terminated on or about October 9, 2020. Meanwhile, similarly situated white/Caucasian employees that had actually engaged in misconduct substantially similar to what the Complainant was wrongfully accused of engaging in, were neither suspended nor terminated by the Respondent. In one instant for example, a Caucasian employee had three separate complaints of harassment against him, as well as ten complaints of clerical errors shortly before or around the time of the Complainant's suspension. He was suspended for only four days and was permitted to then return to work and was never terminated. Another similarly situated Caucasian employee had at least fifteen complaints reported against them, on top of having a history of many clerical errors but they were never suspended much less terminated (Both of these employees in question were white/Caucasian, one male and one female).

VIII. Furthermore, the Complainant noted that she had no history of any disciplinary actions or complainants against her prior to the suspension, and the Respondent failed to follow its standard progressive discipline procedure when it suspended and terminated her. By Information and belief, similarly situated white/Caucasian employees, when accused of misconduct or policy violations, were given the benefit of the Respondent following its progressive discipline policy with them. The Respondent replaced the Complainant with a white/Caucasian female. This individual initially walked out, was not terminated, then she quit a week later, and she has been rehired to replace the Complainant.

IX. The Complainant contends that she was discriminated against and/or retaliated against on the basis of her color/race (black/African American), and/or for objecting to unlawful discriminatory treatment by the Respondent, and that the Respondent violated her federally protected rights under Title VII (and the § 1981). The Respondent's unlawful discriminatory and/or retaliatory conduct furthermore was the direct and proximate cause of the Complainant suffering the loss of her job and job-related benefits including income, and also subjected the Complainant to inconvenience, mental anguish, emotional distress, and other damages and injuries. The Complainant is entitled to obtain compensation from the Respondent for compensatory damages, and reasonable attorney's fees and costs.

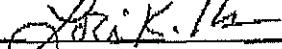
X. The Respondent's unlawful discriminatory and/or retaliatory conduct was intentional, knowing, willful, wanton, and in reckless disregard of the Complainant's federally protected rights under Title VII (and § 1981). The Complainant is therefore also entitled to obtain punitive damages against the Respondent.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.


 Date: 12/23/20
 Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements



I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWEORN TO BEFORE ME THIS DATE
 (month, day, year)


 12/23/20

LORI KAY KOLO

Seal

Notary Public - State of Indiana

Allan County

My Commission Expires Mar 29, 2024

EEOC Form 101-B (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Ashley N. Hinton
540 Courtney Drive
New Haven, IN 46774

From: Indianapolis District Office
101 West Ohio Street
Suite 1900
Indianapolis, IN 46204



*On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(e))*

EEOC Charge No.	EEOC Representative	Telephone No.
470-2021-00898	Marc A. Fishback, Enforcement Supervisor	(463) 999-1179

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- More than 180 days have passed since the filing of this charge.
- Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- The EEOC is terminating its processing of this charge.
- The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Marc Fishback

Digitally signed by Marc Fishback
Date: 2021.06.29 13:33:56 -04'00'

Enclosures(s)

for Michelle Elsele,
District Director

(Date Issued)

cc:

Judy Lambertz
North American Litigation and Legal Operations Manager
LEAR CORPORATION
21557 TELEGRAPH RD
Southfield, MI 48033

Christopher C. Myers
CHRISTOPHER C. MYERS & ASSOCIATES
809 S. Calhoun Street
Suite 400
Fort Wayne, IN 46802

EXHIBIT
B